

EXHIBIT “D”



John Begakis <john@altviewlawgroup.com>

Hyphy - Yellowcake - 2022 State Court Lawsuit

Seth L. Berman <SBerman@abramslaw.com>
To: John Begakis <john@altviewlawgroup.com>
Cc: Tom Griffin <tgriffin@hsmlaw.com>

Fri, Oct 7, 2022 at 7:55 AM

Hello John,

We are trying our best to work with you here. Our client is willing to stipulate to an extension of the discovery deadline for 30 days in the federal action, provided your client agrees to sign the attached LOD and a related settlement agreement to resolve the 2020 state court lawsuit. Respectfully, the matters are tied together and as you have already acknowledged in your email (on 9-30-22 at 8:49 a.m.), "I can also confirm that my client will sign a new LOD if that is the most efficient way to resolve this dispute." We see no reason why the state court action can't be resolved quickly with the executed LOD. We also respectfully remind you that the 2019 settlement was clear and that it also contains an attorneys' fees and costs provision. I'm not trying to be inflammatory here but, if your client is not willing to resolve the 2022 state court lawsuit - as previously promised – we will ultimately move for summary judgment seek costs and fees. It makes no sense not to resolve it now with the LOD.

Regarding discovery in the federal action, the parties had more than two years to conduct discovery and, as Judge McAuliffe noted at the scheduling conference on 11-30-21, Judge Ishii insists on a specific number of months from the dispositive motion deadline to the pretrial conference and from that conference to the trial date. Any continuance may disrupt the dates for the pretrial conference date and the trial date. That being said, please send us a proposed stipulation reflecting the extension and new scheduling dates that comply with the Court's directive.

Thank you,

Seth L. Berman, Esq. | Partner/Director Intellectual Property and Entertainment Dept.

Long Island Office
3 Dakota Drive Suite 300
Lake Success, New York 11042
516-328-2300 x 251 | Phone

516-328-6638 | Fax



Long Island · Brooklyn · White Plains · Rochester · Albany

www.abramslaw.com



CONFIDENTIALITY NOTICE: This e-mail may be an attorney-client communication and may contain information that is privileged and confidential and is therefore subject to legal restrictions and penalties regarding its unauthorized disclosure or other use. If you are not the intended recipient you are prohibited from copying, forwarding, distributing, disseminating, or otherwise viewing this e-mail and any attachments hereto. Please notify the sender and delete this e-mail if you are not the intended recipient. AF/02

From: John Begakis <john@altviewlawgroup.com>
Sent: Wednesday, October 5, 2022 2:47 PM
To: Tom Griffin <tgriffin@hsmlaw.com>
Cc: Seth L. Berman <SBerman@Abramslaw.com>
Subject: Re: Hyphy - Yellowcake - 2022 State Court Lawsuit

Caution: This email originated outside of the organization

Tom:

[Quoted text hidden]

Itr of direction - hyphy re mar catalog.docx
19K